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1 **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**
2 **DEPARTMENT OF LABOR & TRAINING**

3 **MECHANICAL BOARD**

4

5 **PROCEEDINGS AT HEARING IN RE: :**

6 **:**

7 **PHD PLUMBING & HEATING, :**

8 **INC.; PETER BIBBY :**

9 **:**

10

11 **January 3, 2007**

12 **9:00 A.M.**

13 **1511 Pontiac Avenue**

14 **Cranston, Rhode Island**

15

16

17 **MEMBERS PRESENT:**

18 **STANLEY DAVIES, CHAIRMAN**

19 **PETER LOMBARDI**

20 **CHESTER STEWART**

21 **MICHAEL JANUARIO**

22 **RON CRONIN**

23 **BOBBY JOE HARRIS**

24 **QUINLAN REGAN**

25

26 **VALENTINO LOMBARDI, ESQ., COUNSELOR FOR THE BOARD**

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28 **ALSO PRESENT:**

19 CHARLES W. WRIGHT, INVESTIGATOR
TED WHITTAKER

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RHODE ISLAND COURT REPORTING
747 NORTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02904
(401)437-3366

RHODE ISLAND COURT REPORTING (401) 437-3366

E X H I B I T S

EXHIBIT DESCRIPTION	PAGE
BOARD'S	
CRIMINAL HISTORY RECORD	

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24 **RHODE ISLAND COURT REPORTING (401) 437-3366**

0003

1 **(COMMENCED AT 9:55 A.M.)**

2 **MR. DAVIES: Good morning,**

3 **everyone. It is 9:55 a.m. We'll call the**

4 **mechanical board into our morning session. We're**

5 **going to dispense with the regular business**

6 **meeting and go into the hearings.**

7 **Will those who are going to testify please be**

8 **sworn in.**

9 **CHARLES W. WRIGHT, TED WHITTAKER, GEORGE LOPES**
(SWORN)

10 **MR. DAVIES: Mr. Whittaker, would**

11 **you proceed.**

12 **MR. WHITTAKER: Date: December 27,**

13 **2006. Violation Number 2909. Name of violator:**

14 **Mr. George T. Lopes. Company: PHD Plumbing &**

15 Heating, Inc., 2113 Grand Army Highway, Swansea,
16 Mass, 02777. Location of violation: 265
17 Pawtucket Avenue, Pawtucket, Rhode Island.

18 "Violation: City of Pawtucket Mechanical
19 Inspector, Allen Johnson, has made a complaint
20 that in August 2006, Mr. George T. Lopes had
21 installed natural gas piping at the above
22 referenced address without the required mechanical
23 permit. This is a violation of the Rhode Island
24 General Law 28-27-20, "State municipal inspections
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1 and installation permits."

2 "Violation: One \$500 per Rhode Island
3 General Law 28-27-24. Signed, Charles W. Wright,
4 Investigator."

5 MR. WRIGHT: Allen Johnson couldn't
6 make it this morning. He was tied up in business
7 in Pawtucket.

8 It's very simple. Mr. Lopes installed
9 natural gas piping at the above address, and I
10 guess Mr. Johnson, as he told me, kept trying to
11 get a permit out of Mr. Lopes, and it was late
12 coming. But I know in the meantime that he did
13 take out a permit and that he paid a fine over
14 there, a late filing fee.

15 And so he has paid a late filing fee and it's

16 a pretty basic thing. He didn't have a permit at
17 the time the installation was done.

18 MR. DAVIES: Any board members have
19 any questions of Mr. Wright or Mr. Whittaker?

20 Mr. Lopes, you want to address the board?

21 MR. LOPES: Yes, I do. The
22 situation we had there, it was a laundromat and I
23 took out the permit for the plumbing to do the
24 laundromat. And I guess the contractor, I guess,

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1 with a Saws-All by mistake cut one of the gas
2 pipes, an inch and a quarter gas pipeline. So my
3 guys repaired the gas piping line from my
4 understanding, and then the inspector came the
5 next day to inspect the plumbing which I guess
6 he's also the gas inspector. So when he came, he
7 inspected it and approved everything.

8 Then I guess he called my office maybe a
9 month or month and a half later, stating that we
10 never took a permit out. But from my
11 understanding, I have a decent size company, I
12 never got the message that he called because I
13 have a lot of people that call. I don't know if
14 he ever said he was the inspector or just left his
15 name. I've got a lot of people that call for
16 fundraisers, you know, something like this, so I

17 never received the call. So once I received this
18 letter, I gave him a call.

19 I said, "I don't understand this."

20 He said, "You never took a permit out. I've
21 been trying to reach you," which I apologized and
22 I went down there.

23 And he said, "You have to pay a fine of 250
24 bucks and, if not, you won't be able to do any
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1 more work in Pawtucket."

2 Which I did pay the \$250 fine, but just to
3 tell the committee, for a measly \$100, I'm not
4 going to take a chance of doing a job which I'm on
5 the job so I can get fined for \$500.

6 So my defense is it was a misunderstanding.

7 MR. DAVIES: Do the board members
8 have any questions of Mr. Lopes?

9 MR. WRIGHT: What was your final
10 amount that you did pay there?

11 MR. LOPES: \$250. I have the
12 receipt here.

13 MR. LOMBARDI: Are you saying this
14 was just a repair to the existing pipe?

15 MR. LOPES: Yes because they cut it
16 with a Saws-All. I never took out a contract to
17 do any gas piping in the building, but I did take

18 out a contract to do the plumbing and I took out
19 the permits to do the plumbing.

20 MR. DAVIES: Any other questions by
21 board members?

22 Do I have a violation on PHD Plumbing &
23 Heating for Number 2909?

24 MR. LOMBARDI: I make a motion we
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1 suspend this for a year.

2 MR. DAVIES: You have to do the
3 violation first, Pete.

4 MR. LOMBARDI: I make a motion we
5 suspend the violation for a year and if there's
6 any other infractions --

7 MR. WRIGHT: Off the record for
8 just a second.

9 (OFF THE RECORD)

10 MR. REGAN: At the last meeting,
11 someone said if there's a repair, just a small
12 item, they don't recommend -- they don't require
13 you have a permit. I think it was the City of
14 Providence.

15 MR. WRIGHT: That was the City of
16 Providence. The chief mechanic said that.

17 MR. REGAN: So wouldn't that apply
18 to this guy?

19 MR. WRIGHT: Well, we can't tell
20 the cities or towns what they should do as far as
21 requiring permits. That's their purview, whatever
22 they want to do.

23 MR. DAVIES: Peter, you want to
24 restate that then?

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1 MR. LOMBARDI: What do you want me
2 to say?

3 MR. DAVIES: Do you find a
4 violation?

5 MR. LOMBARDI: In other words, you
6 want to find them guilty --

7 MR. DAVIES: No. Do you find a
8 violation on 2909 occurred?

9 MR. LOMBARDI: No.

10 MR. DAVIES: Second on that?

11 MR. JANUARIO: I'll second.

12 MR. DAVIES: All in favor?

13 (VOTE TAKEN; MOTION PASSES)

14 MR. DAVIES: Now, do we --

15 MR. WRIGHT: There's no violation.
16 It's dismissed.

17 MR. LOPES: Thank you.

18 MR. DAVIES: The next case we have
19 is a continuance on Mr. Peter J. Bibby.

20 Mr. Whittaker.

21 MR. WHITTAKER: Date: December 20,
22 2006. To Mr. Peter J. Bibby, 15 Aurora Street,
23 Cranston, Rhode Island, 02905.

24 "Dear Mr. Bibby: You are hereby notified by

0009

1 the Rhode Island Mechanical Board of a hearing to
2 be held at the Rhode Island Department of Labor &
3 Training, Division of Professional Regulation,
4 1511 Pontiac Avenue, Building 70, Cranston, Rhode
5 Island on January 3, 2007 at 9:00 a.m., second
6 floor conference room.

7 "The purpose of this hearing is to determine
8 if there have been any violations of Rhode Island
9 General Law 28-27, mechanical, or specifically
10 section 28-27-21(5), "Grounds for revocation of
11 license."

12 "All parties are advised to be present at the
13 above time and place with their records and
14 necessary witnesses. It is every party's
15 responsibility to ensure that their witnesses
16 attend. You shall be afforded the opportunity to
17 respond and present evidence and argument on the
18 issue involved and to be represented by an
19 attorney if you so choose. Be prepared to proceed
20 with or without legal counsel. Any party may

21 testify and present evidence and arguments on all
22 issues involved.

23 "This hearing will be conducted pursuant to
24 the Administrative Procedures Act, Chapter 42-35

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1 of the Rhode Island General Laws.

2 "If you are unable to appear at this hearing,
3 the mechanical board requires that they be
4 notified at least five days prior to the hearing
5 date. If you fail to appear at this hearing, the
6 mechanical board will proceed with a revocation
7 hearing.

8 "Yours truly, Ronald R. D'Ambruoso,
9 Administrator, Professional Regulation. Certified
10 Mail Number 7003 1680 0005 0868 3845."

11 MR. WRIGHT: Also into the record,
12 we'd like it known this was sent out both
13 certified mail and regular mail. Neither have
14 been returned to this office.

15 And also on the record, that as pursuant to
16 the five days prior to the hearing date, we have
17 not received anything from Mr. Bibby requesting
18 anything and he's not following the orders of the
19 letter.

20 At the last meeting, members, you had a
21 letter from Joan, the person that requested that

22 we -- Joan Ryan. If you remember, I think it
23 might be in your --

24 MR. LOMBARDI: I've got a copy.

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1 MR. WRIGHT: You have a copy?

2 Okay.

3 MR. DAVIES: Now, can we continue
4 on with the board? What's the board's
5 recommendations on this?

6 The board members are going to continue on
7 with this hearing. Any other information,
8 Charlie, you can add to this?

9 MR. WRIGHT: As we went over last
10 time, board members, the reason for this notice of
11 revocation was that under our law, if you've been
12 convicted of a felony as Joan Ryan requested in
13 writing to us, wanted to know why this person had
14 a license issued by our department by giving him a
15 refrigeration master in that he's a convicted
16 felon.

17 As I've explained to you at the last
18 meetings, we have from the Attorney General's
19 Offices his BCI sheet showing numerous felony
20 offenses. I can place that in the record.

21 (BOARD'S EXHIBIT 1 MARKED)

22 MR. WRIGHT: I'll pass this around

23 to the members. This is from the Attorney
24 General's office background check. I've had our
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1 attorney, Mr. Lombardi, look at it, also, and he
2 agrees there are quite a few felony convictions on
3 there.

4 So if you'd review that and then we can
5 proceed from there.

6 MR. CRONIN: This came from the
7 Attorney General's Office?

8 MR. WRIGHT: Yes.

9 MR. CRONIN: Well, the purpose of
10 this hearing is to determine whether or not he's a
11 convicted felon and make a recommendation that it
12 is grounds for revocation of his license. So I'll
13 make that motion. Why do we have to go any
14 further? I mean, we have proof here.

15 MR. LOMBARDI: I'll second the
16 motion.

17 MR. DAVIES: All those in favor.

18 (VOTE TAKEN; MOTION PASSES)

19 MR. WRIGHT: There is a hold on his
20 license because of outstanding violations.

21 MR. LOMBARDI: His license will be
22 revoked now.

23 MR. CRONIN: He's on probation,

24 according to that. Enough said.

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1 MR. WHITTAKER: Not right now, he's

2 not.

3 MR. DAVIES: We've closed the

4 hearings at this time.

5 (HEARING ADJOURNED AT 10:10 A.M.)

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1 **C E R T I F I C A T E**

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3 **I, Linda S. Taylor, a Notary Public in**
4 **and for the State of Rhode Island, hereby certify that**
5 **the foregoing pages are a true and accurate record of my**
6 **stenographic notes that were reduced to print through**
7 **computer-aided transcription.**

8 **In witness whereof, I hereunto set my hand**
9 **this 8th day of January, 2007.**

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12 _____

LINDA S. TAYLOR, NOTARY PUBLIC/CERTIFIED COURT
REPORTER

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15 **My Commission Expires 7/2/09**

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